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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,424	11/13/2001	Robert A. Saunders	00885	3026
26285	7590	10/03/2003	EXAMINER	
KIRKPATRICK & LOCKHART LLP 535 SMITHFIELD STREET PITTSBURGH, PA 15222				ISSING, GREGORY C
		ART UNIT		PAPER NUMBER
		3662		

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	SAUNDERS ET AL.
10/008,424	
Examiner	Art Unit
Gregory C. Issing	3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 14 July 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. _____.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.

4) Interview Summary (PTO-413) Paper No(s) _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Eastman et al, Tilford et al and Holliday et al in view of Shintani et al.

Each of Eastman et al, Tilford et al and Holliday et al teach portable devices for aligning an antenna to a satellite wherein an indicator provides information to a user based on signal quality via an indication of bit error rate (BER). Each of Eastman et al, Tilford et al and Holliday et al differ from the claimed subject matter since each of the BER and C/N ratio are not calculated and used in a determination of overall quality. Shintani et al teach the advantages of utilizing some or all of the available measurement indications as well as a weighted combination of the measured indicators to provide an overall quality, see col. 2, lines 44-50, col. 3, lines 43-62, col. 4, lines 41-43, and col. 5, lines 45-48. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify any of Eastman et al, Tilford et al and Holliday et al in view of the teachings of Shintani et al by determining a plurality of quality measurements, including BER and C/N ratio, so as to provide an overall quality on the basis of a weighted combination of the measurements and thereby provide better alignment of the antenna to the target source.

Applicants argue that the individual references fail to disclose the amended claims that provide the limitation of calculation of each of BER and C/N ratio and the subsequent determination of an overall quality on the basis of both the BER and C/N ratio. The combination of references is

deemed to teach such in view of the modifications taught by Shintani et al who is also directed to antenna alignment. Thus, the applicants' arguments are not persuasive.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelstrom in view of Fukazawa et al.

Fogelstrom teaches a portable antenna alignment device that makes use of BER and AGC to accurately align the antenna to a satellite. Fogelstrom differs from the claimed subject matter since BER and AGC are taught instead of the claimed use of BER and C/N ratio to determine the overall quality. Fukazawa et al teach the advantages of C/N as opposed to AGC, see col. 1, lines 15-59. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Fogelstrom by using the BER and C/N ratio instead of the BER and AGC since the quality of an image is proportional to the C/N ratio of the input signal as taught by Fukuzawa et al.

The combination teaches that which the applicants' allege is novel, i.e. the use of BER and C/N ratio to determine an overall quality of reception for aiding in antenna alignment.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

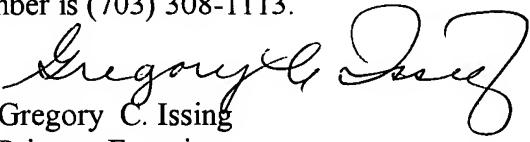
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarca can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Gregory C. Issing
Primary Examiner
Art Unit 3662

Gci